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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,208	10/12/2001	Chris R. Kimbro		7777

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Sherman Oaks, CA 91403

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EXAMINER

COLE, LAURA C

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,208

Applicant(s)

KIMBRO, CHRIS R.

Examiner

Laura C Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 2-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said *non-selected* section" in Lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Forbes, USPN 1,977,180.

Forbes discloses a handle that comprises a brush (Page 1 Lines 6-12; Figure 1 (14)), an elongated handle secured to the brush (Figure 1 (12) and (13)), the handle having a pair of sections arranged in a sliding telescopic relationship (telescopic with the spring; Figures 1-4 (12) is an upper section (13) is a lower section), a compression spring mounted between the sections (Figure 3 (17)), *détente* means interconnection the sections (located on a sleeve, Figure 2 (22)), *guide* means movably coupling the

sections together to provide rectilinear movement (the guide formed by the *détente*, Figure 2 (22)), the sections having opposite ends engaging in a sliding connection (the ends of (12) and (13) slide by guiding means, Page 1 Lines 89-92), and a selected section having a pin (Figure 3 (25)). There is also a flexible boot (Figures 1-4 (18)).

3. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Forbes et al., USPN 1,982,910.

Forbes discloses a handle that comprises a brush (Page 1 Lines 1-3; Figure 1 (14)), an elongated handle secured to the brush (Figure 1 (12) and (13)), the handle having a pair of sections arranged in a sliding telescopic relationship (telescopic with the spring; Figures 1, 2, and 4 (12) is an upper section (13) is a lower section), a compression spring mounted between the sections (Figure 3 (17)), *détente* means interconnection the sections (located on a sleeve, Figure 1 (22)), guide means movably coupling the sections together to provide rectilinear movement (the guide formed by the *détente*, Figure 1 (22)), the sections having opposite ends engaging in a sliding connection (the ends of (12) and (13) slide by guiding means, Page 1 Lines 104-107), and a selected section having a pin (Figure 4 (25)). There is also a flexible boot (Figures 1, 2, and 4 (18)).

4. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Gibbons, USPN 750,357.

Gibbons discloses a household implement that comprises an elongated handle (Figure 1 (A and e)), a cleaning device secured to the handle (Figures 1, 2, and 4 (C)), the handle having an upper section (A) and a lower section (e), adjacent ends of the

upper section and lower section arranged in a slidable telescoping relationship (telescoping within the spring; Figures 2 and 4, rectilinear does not limit the direction), a resilient means on adjacent ends in securement with the upper section and lower section (Page 2 Lines 22-32), the lower section being connected with the cleaning implement. There is a rubber boot (Page 2 Lines 28-32).

5. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Page, USPN 2,980,457.

Page discloses a handle for squeegees, brushes, and other implements that comprises an elongated handle having an upper section (Figures 1-2 (18)) and a lower section (Figures 1-2 (14)), a cleaning device secured to the lower portion of the handle (Figure 1 (11)), adjacent ends of the upper and lower sections are arranged in a slidable telescoping relationship (telescoping with the spring) permitting rectilinear movement (Column 1 Lines 39-42), resilient means being a coil spring (Figures 1-4 (21)). There is also a protective sleeve (Figure 4 (25)).

6. Claims 1, 2, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayer, USPN 1,663,208.

Mayer discloses a bromoil brush that comprises a bristle brush (Figures 1, 3, and 5), an elongated handle secured to the bristle brush (Figures 1, 3, and 5 (C or C') and (a)), an upper section being (C or C') and a lower section being (a)) that are arranged in a sliding telescoping relationship located adjacent the bristle brush, a compression spring or resilient member mounted between the sections (radially; Figures 1, 3, and 5 (f or f²)), a détente means interconnecting the sections (Figure 1 (d) or (Figure 5 (g)), a

guide means movably coupling the sections together to provide rectilinear movement between the sections (the guide means being the *détente*), the sections having opposite ends engaged in a sliding connection (Figures 1, 3, and 5; Page 1 Lines 72-75), one section having a slot (Figure 1 (d) or Figure 5 (g)) and the other section having a pin or key (Figures 1 and 2 (e) Figure 6 (k)).

7. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Berlow, USPN 1,505,318.

Berlow discloses a bristle brush (Figures 1-2 (1)), an elongated handle secured to the bristle brush having an upper section (Figures 1-2 (12)) and a lower section (Figures 1-2 (3)) arranged in a sliding telescopic relationship with a boot (Figures 2-4 (10)), a compression spring mounted between the sections (Figures 2 and 4 (16)), *détente* means connection the sections to provide rectilinear movement (Figure 2 (7) and (8) and Figure 3 (4) and (5)), guide means (being the *détente* means), the sections having opposite ends are engaged in a "sliding" connection (sliding by expanding through the connection of the *détente* and pin (Figures 2 and 3 (13))). The key and keyway prevent rotation when the key is in the keyway or *détente* (Figure 2 (7) and Figure 4 (4)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uno, USPN 5,384,930 in view of Blake, USPN 4,180,346.

Uno discloses a push broom with a flexible covering that comprises a bristle brush as a cleaning implement (Figure 2 (22)), an elongated handle (Figure 1 (10)) having an upper section (Figure 1, 3, and 4 (28)) and a lower section (Figure 1, 3, and 4 (30)) in a relationship, a compression spring mounted between the sections (Figures 1-4 (16)), détente means connecting the sections (Figures 5 and 6 display teeth in a détente that is filled with a glue or adhesive for further securement), and guide means (being the spring member itself.) Uno has a base (Figure 2 (24)) for receiving a portion. Uno does not disclose the members having a telescoping relationship.

Blake discloses a coupling for telescoping members that comprises two sections (Figures 1-4 (21) and (20)) that have a compression spring or resilient member mounted between (Figures 2-4 (32)), a détente means (being the washer (28) and member (37) that holds the spring; or being the edge formed at Figure 3 (44)), a guide means (within the boot (Figure 3 (40)), one section having a locking member (or key) (Figure 3 (19); Column 2 Lines 41-61) and another section having a keyway (Figure 2 (23) which is part of a locking member adhered to (21), with the keyway being the gaps formed between projections Figure 3 (26); Column 2 Lines 41-61), a flexible boot (Figure 3 (40)), a bushing between said sections and secured (through the locking member) to one end of the boot and spring (Figure 3 (28)) and a fitting (or second bushing) secured on the other end (Figure 3 (35)). Also, the spring element is connected to the two

bushings (Column 2 Line 62 to Column 3 Line 2.) Blake also provides the teaching that this coupling is for the extension of a pole-type device (Column 1 Lines 11-19).

It would have been obvious for one of ordinary skill in the art to substitute the coupling of Uno for the one of Blake so that the push room can extend to an additional length so that the broom may be used for cleaning in areas that are not easy to reach.

9. Claims 1-3 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blake, USPN 4,180,346 in view of Uno, USPN 5,384,930.

Blake and Uno disclose all elements above, however Blake does not disclose a brush or cleaning element. Further, Blake teaches that a telescoping means is desirous on pole-type devices such as fishing poles, golf ball retrievers, etc. (Column 1 Lines 11-19).

It would have been obvious for one of ordinary skill in the art to modify Blake and put a cleaning element such as a brush or cleaning element, as Uno teaches, on the end of the pole for cleaning as it is often desirous to have a brush extend lengths that are out of reach for the user, such as to clean dust webs off a ceiling.

10. Claims 4-5 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blake, USPN 4,180,346 in view of Uno, USPN 5,384,930 and in further view of Stoltz, USPN 6,279,961.

Blake and Uno disclose all elements above; however do not disclose that the boot is a bellows boot.

Stoltz discloses a coupling that axially extends or compresses (Figures 4 and 5, Column 3 Lines 51-57) and comprises a spring member (Figure 4 (72)) and a bellows

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boot (Figure 4 (66)). The compression or extension of the bellows engage the spring members and allows for extension or compression of the spring (Column 7 Lines 8-16).

It would have been obvious for one of ordinary skill in the art to substitute the boot of Blake for the one that Stoltz teaches so that when the bellows boot compresses, it compresses according to the spring and provides another means of engaging the spring to elongate or compress the handle.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 6,546,588 to Black, discloses a flexible body cleaning brush with a spring and a handle having two sections, however the filing date of this application is after the filing date of this application.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (703) 305-7279. The examiner can normally be reached on Monday-Thursday, 7am - 4:30pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8772 for regular communications and (703) 872-9311 for After Final communications.

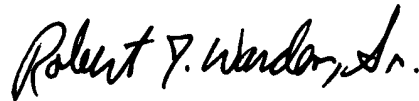
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

LCC

LCC

June 25, 2003



ROBERT J. WARDEN, SR.
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